

REMARKS

Status Of Application

Claims 1-12 were pending as of the present Office Action, which sets forth that:

Claims 1-12 are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,696,421 to Zumeris et al. ("Zumeris") in view of U.S. Patent No. 6,201,340 B1 to Matsuda et al. ("Matsuda").

35 U.S.C. § 103(a) Rejection

The rejection of claims 1-12 under 35 U.S.C. § 103(a) over Zumeris in view of Matsuda is respectfully traversed based on the following.

The MPEP clearly sets forth that establishing a *prima facie* case of obviousness requires *inter alia* that the combination of prior art references "teach or suggest **all** the claim limitations."<sup>1</sup> In the present case, each of the independent claims in question, claims 1 and 7, include the following limitation:

a compression member for pressing said drive member against the driven member such that the drive member and the driven member are in a state of intermittent contact, and under conditions near a condition of transition from the intermittent contact state to a normal contact state

However, the combination of Zumeris and Matsuda fails to teach or suggest this limitation. It has already been established that Zumeris fails to teach or suggest this limitation, as pointed out in the present Office Action. Consequently, Zumeris fails to bring any teaching or suggestion to the combination of Zumeris and Matsuda related to this limitation.

Thus, the present Office Action relies on Matsuda for allegedly teaching the above-cited limitation as part of the combination of Zumeris and Matsuda. That is, the present Office Action alleges that Matsuda teaches "that **the drive member and the driven**

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<sup>1</sup> MPEP 2142 (8<sup>th</sup> ed.)(emphasis added).

**member are in a state of intermittent contact, and under conditions near a condition of transition from the intermittent contact state to a normal contact state.”<sup>2</sup>** However, this allegation is respectfully traversed. Matsuda is silent with regard to the drive and driven members being near a condition of transition from intermittent to normal contact. In fact, Matsuda is not concerned with and provides no information relating to the state of the drive member and the driven member relative to an intermittent contact state and/or a normal contact state. Thus, Matsuda clearly fails to disclose or suggest the more specific limitation of the two members being in a state of intermittent contact while near a transition from intermittent to normal contact states.

Therefore, contrary to the allegation in the present Office Action, the combination of Zumeris and Matsuda fails to disclose or suggest:

a compression member for pressing said drive member against the driven member such that the drive member and the driven member are in a state of intermittent contact, and under conditions near a condition of transition from the intermittent contact state to a normal contact state

Since the combination of Zumeris and Matsuda fails to disclose or suggest all of the limitations of claims 1 and 7, the combination of Zumeris and Matsuda cannot render obvious claims 1 and 7, respectively, or claims 2-6 which depend from claim 1, or claims 8-12 which depend from claim 7.

Accordingly, it is respectfully requested that the rejection of claims 1-12 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

### **CONCLUSION**

In view of the foregoing remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

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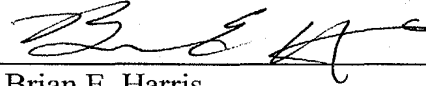
<sup>2</sup> Office Action, page 2, lines 1-4 (December 9, 2002)(emphasis added).

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If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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